

FINAL MINUTES

Pesticide Control Board Meeting
Oliver Hill Building, Richmond, Virginia
October 19, 2006

The Pesticide Control Board met at 9:30 a.m. in the Alson H. Smith Research Center, Winchester, VA. Presiding members were Donald Fritz, Chairman and the Executive Secretary.

The following Board members were present: Dr. George Brown; Donald Fritz; Carl Garrison, III; Robin Rinaca; Mark Tubbs; Liz White and Joe Wilson. The following Board members were absent: Dr. William Bosher; Ernest Morse; Ruth Brown; Dr. Alma C. Hobbs, (represented by Dr. Tadesse Mebrahtu); and Dr. Sharron Quisenberry (represented by Dr. Michael Weaver).

The following staff members were present: Andres Alvarez; Dr. Wayne Surles; Liza Fleeson; Joe Dictor; Doug Edwards; and Rhonda Bates.

Others present: Laurie Coulter and Rick Love, VACPA; Don Goff and Lamar Seaborn, Chesapeake Public Schools; Dr. Tony Wolf, AREC; and Susan Nessler, VA Tech.

CALL TO ORDER

Chairman Fritz called the meeting to order.

DETERMINATION OF A QUORUM

Chairman Fritz announced that a quorum was present.

APPROVAL OF MINUTES

Dr. Brown moved to adopt the minutes of the July 20, 2006 Board meeting; it was properly seconded. The motion carried unanimously.

PUBLIC COMMENT PERIOD

Dr. Tony Wolf, Director of the Alson H. Smith Agriculture and Research Center, welcomed the Board to the center and gave a brief background on the structure and its role as one of VA Tech's Research Stations.

REGULATORY UPDATES

Dr. Surles presented an abbreviated update on 2 VAC 20-20 & 25, *Enforcement of Pesticide Law & Pesticide Registration*; 2 VAC 20-40, *Licensing of Pesticide Businesses*; and 2 VAC 20-51, *Pesticide Applicator Certification*.

ENFORCEMENT ACTIVITIES FOR THE QUARTER

Joe Dictor provided a summary of enforcement activities for the quarter.

Mr. Tubbs, Chair of the Enforcement Committee, presented three cases to the Board for approval where the hearing officers adjusted the penalties greater than 25%. In case 24658 involving All Seasons Lawn Care, Mr. Tubbs moved to accept the hearing officer's recommendation to abate the \$560 civil penalty. Ms. White seconded. The

motion carried unanimously. In case 26841 involving Cooper's Lawn, Mr. Tubbs moved to accept the hearing officer's recommendation to reduce the civil penalty from \$560 to \$320. Dr. Brown seconded. The motion carried unanimously. In case 24662 involving Chesapeake Lawnsapes, Inc., Mr. Tubbs moved to accept the hearing officer's recommendation to pay the \$800 uncontested civil penalty and to hold \$500 in abeyance until receipt of the required insurance documents in 2007 from Mr. Arias, President of Chesapeake Lawnsapes, Inc. Dr. Brown seconded. The motion carried unanimously.

PRETREATMENT TERMITICIDE ENFORCEMENT PLAN

Dr. Surles provided a brief powerpoint update of the pretreatment termiticide enforcement plan. To review – on the national level the ASPCRO Termite Control Discussion Group is comprised of representatives from ASPCRO, NPMA, RISE and the EPA, and from that group two subcommittees were formed – Label Review Amendment Committee and Performance Based Approach Committee. Currently, Robert Bailey, in his role as Chair of ASPCRO, is meeting with EPA to amend termiticide labels. The educational component of the VA Enforcement Plan includes four 8-hour classes to be held in November and December in Roanoke, Richmond, Manassas and Chesapeake. The enforcement component is comprised of label review, appeals process, history of misuse, records review, doubling the termite inspections, utilizing supplemental labeling, and oversight of applications. Voluntary compliance will be heavily emphasized. Dr. Surles previewed the brochure "*Proper Application of Preconstruction Termiticide Treatments*".

FINANCIAL REPORT

Mr. Tubbs presented an analysis of revenue and expenses of the Office of Pesticide Services (OPS) from 1999-2006 and a forward look to 2010. Following Mr. Tubbs, Dr. Surles presented a report prepared at the request of Chairman Fritz regarding OPS' long term financial considerations. The report concluded that there is no need to consider an increase in product registration fees now or in the foreseeable future. A trigger point to consider such action was set at \$1.5 million in reserves. Staff will continue to monitor revenues and expenses, and advise the Board accordingly. Chairman Fritz affirmatively indicated that the report fully met the scope of request.

WORKER PROTECTION STANDARD/TELAMON CORPORATION

Mr. Edwards presented the training element of the Worker Protection Standard (WPS), noting that his role is to work with industry in a compliance assistance mode. During FY01-02, OPS entered into an agreement with Telamon Corporation to provide training throughout VA for workers and handlers. Because the program begins anew annually, the success rate varies, from 150 workers one year to 750 workers another year. To ensure continuity from year to year, Telamon requested funding a one-year trial grant increase to staff a full-time, permanent individual. Mr. Edwards introduced Marlene Larios who has been appointed by Telamon to that permanent position.

STATUS OF PESTICIDE APPLICATOR SAFETY TRAINING PROGRAM

Dr. Weaver and Susan Nessler provided updates on the status of the manual development and on the pesticide applicator training programs. Dr. Weaver reported that the 2006 Pesticide Safety Educators Workshop was held October 11-12, 2006 in Blacksburg, VA. Over 90 agents, specialists, and speakers participated. He stated that the EPA has asked USDA to accept a new Interagency Agreement Grant to fund the state extension services to conduct training for two more years.

Ms. Nessler highlighted new manual publications, reprints and completions.

EXECUTIVE SECRETARY'S REPORT

Dr. Surles reported that Commissioner Carlton Courter will leave the agency October 31. Pesticide Investigator Don Weaver broke his arm and will be out several weeks. Pesticide Investigator Charles Magolda received the EPA Region III annual "Investigation of the Year" award. This is the second year in a row that Charles has received this award. Dr. Surles stated that all OPS' forms on the VDACS/OPS web site have been reformatted, but there is no content change.

Dr. Surles thanked Ms. White for her splendid hospitality in hosting the Board meeting in Winchester.

COMMISSIONER'S/DEPUTY COMMISSIONER'S REPORT

Mr. Alvarez reported that Deputy Commissioner Blankenship was attending an Ag summit in southwest VA. Commissioner Courter accepted a position as Director of the Department of Game & Inland Fisheries starting November 1; an interim Commissioner will be appointed until the vacancy is filled.

CHAIRPERSON'S REPORT

Chairman Fritz stated that due to good fiscal management staff should be commended on OPS' cash reserve. He told the Board that from the enforcement correspondence he receives it appears that a high percentage of civil penalties in the lawn and turf area is a reason for concern and presents a challenge to the Board and staff. There is an educational opportunity in this area to create a program that serves this particular client.

ADJOURNMENT

Meeting adjourned at 12:40 p.m.

(For further detail, taped minutes of the meeting are on file at VDACS and can be accessed by calling 804/371-6558.)